

WASHINGTON, DC – This morning, the House Judiciary Committee held a Full Committee Markup of H. Res. 819, "Directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad." Representatives John Conyers, Jr. (D-Mich.), Ranking Member on the Constitution Subcommittee Jerrold Nadler (D-N.Y.), and Ranking Member on the Subcommittee on Crime, Terrorism, and Homeland Security Robert C. "Bobby" Scott (D-Va.) released this statement following the Markup:

"Today the House Judiciary Committee considered a topic of increasing importance, the use of drones overseas," said Conyers.

"The Obama Administration was not the first to employ drones to combat terrorism, but reports of the Administration's expansion and growing reliance on the drone program has necessitated Congressional oversight.

"Many aspects of this program trouble me. I am deeply concerned by reports that United States citizens have been targeted in drone operations. I am also concerned by reports of so-called 'signature strikes,' wherein drones target suspicious behavior rather than specific individuals. I am concerned that the United States has killed at least some of these individuals far from an active battlefield. Lastly, I am concerned that the legal rationale for this program remains, for the most part, secret.

"Due to these concerns, Congressman Nadler, Congressman Scott, and I have written Attorney General Eric Holder on three separate occasions. Specifically, we requested that the Administration provide us with the legal, factual, and ethical justifications for these programs. Further, we have urged the Attorney General to make public at least a portion of this analysis, to allow for a meaningful public debate over the use of lethal force as a counterterrorism measure. While the Department of Justice has provided us with some legal support justifying the use of targeted killings, our progress has been relatively limited.

"During today's Markup, we saw growing consensus that this is an important issue with deep constitutional implications. I commend Members of the Judiciary Committee on both sides of the aisle for their supportive statements in favor of robust oversight. Many unanswered questions remain, and I look forward to working together with the Majority to address this issue in the 113th Congress."

"The power to wage war, and to order the killing of any person, is perhaps the most awesome power the President has," said Rep. Nadler. "The framers of our Constitution rightly placed stringent limits on the authority of any one individual to take the nation down that road. Accordingly, it is the Congress that must take responsibility for declaring and funding any and all wars and for ensuring adequate oversight. We pushing the Administration to make more

information available to enact us to fulfill our oversight obligations and to ensure meaningful review of executive branch actions. I look forward to working with my colleagues to bring greater clarity and legal accountability to the drone program in the future."

"The legal basis for American authorities to order or sanction the killing of American citizens anywhere must be fully set out by the Administration," said Rep. Scott. "And along with that basis, the Administration must also provide a full explanation of the legitimacy of the process used to determine that an American citizen can be placed on a kill list, including whether a person is entitled to notification and if so, does he have an opportunity to challenge the decision. It is troubling that there is no apparent standard of proof required to put someone on a kill list, i.e., by a preponderance of evidence, clear and convincing evidence, beyond a reasonable doubt, or an accuracy to a moral certainty. There is also no apparent independent impartial review or oversight of a decision to place someone on such a list. While we have been seeking this information from the Attorney General and have received some information, I am not convinced at this time that there is a constitutionally and morally sufficient foundation on any of these issues, and I believe that the Congress must determine that there is sufficient foundation on all of these issues if we are to allow the continued expenditure of funds for these activities."

Copies of the Member's correspondence with the Department of Justice, and the Attorney General, can be found here: <http://democrats.judiciary.house.gov/letters> .

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